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1
             IN THE UNITED STATES DISTRICT COURT
              FOR THE NORTHERN DISTRICT OF OHIO
 2
                      EASTERN DIVISION
3
4
    Ru-El Sailor,
                   Plaintiff,
5
                                   Case No. 1:22-CV-00660
6
            vs.
    City of Cleveland, et al.
7
                   Defendant.
8
9
10
11
                   Transcript of audio recorded jail call,
12
            John Williams - Disk 3 - Call 118, between
13
            Ru-El Sailor, Amy Sailor and Kyle Swenson, on
14
            June 17, 2016.
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18
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22
                                                      EXHIBIT
23
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25
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1	PROCEEDINGS
2	AUTO ATTENDANT: For English, press 1.
3	(Repeated in Spanish.)
4	For a collect call, please enter your
5	7-digit inmate ID number followed by your 4
6	Your current balance is \$8.52. Please
7	enter the area code and phone number you are
8	calling now. Please hold. Please wait while
9	your call is being connected.
10	Hello, this is a prepaid debit call
11	from an inmate at the Ohio State Penitentiary.
12	To accept this call, press 0. To refuse this
13	call this call is from a correction
14	facility and is subject to monitoring and
15	recording. Thank you for using GTL.
16	MR. SAILOR: Hello?
17	MS. SAILOR: It still wouldn't let
18	you call me?
19	MR. SAILOR: Huh?
20	MS. SAILOR: Still wouldn't let
21	you call me on my money?
22	MR. SAILOR: No, man.
23	MS. SAILOR: What's it saying?
24	MR. SAILOR: It said, sorry, no
25	calls are allowed right now.

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1	MS. SAILOR: I'm scared. I don't
2	know.
3	MR. SAILOR: Call him real quick.
4	MS. SAILOR: Oh, she had the
5	she had the baby at one o'clock.
6	MR. SAILOR: Go ahead. Yesterday
7	or today?
8	MS. SAILOR: Today, at one
9	o'clock.
10	MR. SAILOR: So her birthday the
11	17th?
12	MS. SAILOR: Yeah. Hold on. I'm
13	going to tell you how big she was. She was
14	oh, never mind. I don't know how big she was.
15	I have one picture, but the text message must
16	not have finished because all it said was
17	ounces. But I don't know how much she
18	weighed.
19	MS. SAILOR: So she had her at one
20	o'clock.
21	MR. SAILOR: Pretty?
22	MS. SAILOR: Yeah, she's so light-
23	skinned. You should see her. She's cute,
24	though. She looks like she has a lot of hair,
25	but, you know, she's wearing a hat. But you

1	could tell the hat's full underneath. She's
2	really pretty, though. She looks like she's
3	going to be like who can I like Raven
4	Symone. Like a real light-skin, you know, but
5	with pitch black hair.
6	MS. SAILOR: Like Paige?
7	MS. SAILOR: Yeah, but lighter,
8	like almost kind of like.
9	AUTO ATTENDANT: This call is
10	originating from an Ohio correctional facility
11	and may be recorded and monitored.
12	MS. SAILOR: You know, when Raven
13	Symone was on the Cosbys, like that Raven
14	Symone, like white skin, like white skin with
15	black hair. She's so cute. But she doesn't
16	look mixed, though, even though she's light-
17	skinned. She looks just like a light-skinned
18	baby. She's so cute.
19	But anyway, let me tell you real quick.
20	So Kyle called me this morning, and he was
21	like, that he had been corresponding back and
22	forth with someone from the past prosecutor's
23	office. And at first, they you know, his
24	main question was, you know, like, why they
25	denied your application. And their first

response was, because information on your application conflicted with your testimony during trial. And Kyle explained to them, like, but that is all explained in the application. Like, he, you know, blah, blah, blah, whatever.

So, like, the reasoning was basically wrong. Like, if that was the reason why they denied your application, then Kyle said to them, well, then that's wrong because here it explains this, that, and the other, in the actual application. And if you would have read the full application, you would have seen that it didn't, you know, contradict what he said on his behalf during trial or something like that. So he said that they also wouldn't give him, like, specifics, but that it was just, you know, rejected.

So he said that they emailed him, and he was like, and I read the email, he was like, and I picked my phone up right away, and I called you. He was like that -- let me see where it's at, because he called me first, and then he sent Kim an email, and he copied me on the email. But this is what the email says.

1	Just wanted to give you a heads up on
2	something. I looped Amy in this morning, but
3	I wanted to let you know. Please keep this
4	under your hat until next week when the story
5	goes live, but the prosecutor's office
6	spokesman finally got back to me about my
7	questions on the CIU application. He wouldn't
8	give me specifics, but did tell me that
9	although it was initially rejected, the case
10	has now been referred for reinvestigation. So
11	that's pretty interesting and significant
12	development. Like I said, if you could hold
13	off on contacting them until next week, that
14	would be great. Sometimes if they feel like a
15	story is coming out that will paint them
16	negatively, they leak it to another media
17	outlet and try to jump on it.
18	MR. SAILOR: Right. Hell yeah.
19	MS. SAILOR: That's why he was
20	like that's why
21	MR. SAILOR: And don't tell
22	nobody.
23	MS. SAILOR: No, he was like, you
24	know, that's why I'm a little paranoid. He
25	was like, but after that you should definitely

1	see what's going on there. And then Kim said,
2	well, I'm afraid it's all lip service to
3	prevent a story, but I do hope something comes
4	of it. I'm his attorney of record, and I
5	certainly haven't heard a peep since their
6	letter.
7	MR. SAILOR: Right.
8	MS. SAILOR: And my follow-up
9	calls. She was like, I'm excited for the
10	possibility that your story could attract.
11	And she was like, I will absolutely wait until
12	your story runs to contact them. So him and I
13	were saying that they're either lying about
14	reinvestigating your case, but now it's on the
15	record that they said they're reinvestigating
16	your case.
17	So if nothing happens, you know, after
18	a little bit of time, he said they you
19	know, it's public record now that they told
20	him that they're reinvestigating. He was
21	like, and you can tell that against them.
22	MR. SAILOR: So now they got to do
23	it.
24	MS. SAILOR: Right. And then he
25	also said that he was like, or they could

1	really be reinvestigating the case now that
2	the media has been putting some pressure on
3	them, asking questions about your case. He
4	was like, so either way, it's beneficial to
5	you. So how does that make you feel? Happy?
6	MR. SAILOR: That's what's up,
7	man. You and Kim just don't say shit.
8	MS. SAILOR: No, I'm not.
9	MR. SAILOR: That's what's up
10	though.
11	MS. SAILOR: So, hold on. I told
12	him I would tell you and then we would call
13	him, so hold on, I'll call him real quick.
14	AUTO ATTENDANT: This call is
15	originating from an Ohio correctional facility
16	and may be recorded and monitored.
17	MS. SAILOR: Hello.
18	MR. SAILOR: Hello?
19	MR. SWENSON: Hey, El, how's it
20	going?
21	MR. SAILOR: Hey, how you doing,
22	Kyle? I'm all right.
23	MR. SWENSON: I'm doing pretty
24	good. Did Amy tell you the news, or did she
25	tell you what I heard today?

1	MR. SAILOR: Yeah, yeah. She was
2	explaining to me right before I called you.
3	That's good news if it's true, but it's good
4	news regardless.
5	MR. SWENSON: Right. I mean, it's
6	good news because your case is, you know I
7	don't know what to make of it. Like, it's
8	either one of two ways, right?
9	MR. SAILOR: Being talked about,
10	though. Huh?
11	MR. SWENSON: Yeah, yeah, it's
12	being talked about. So either they're telling
13	the truth and they are reviewing it, or
14	they're feeling some of the heat now and
15	they're trying to cover themselves, and could
16	be reviewing it because of that. So
17	regardless, that's some good stuff for sure,
18	man, for sure.
19	MR. SAILOR: Yeah, definitely
20	grateful to hear that.
21	MR. SWENSON: Yeah, that's great.
22	So I was just I just really had a couple
23	last things to talk to you about.
24	Everything's coming together well, though.
25	MR. SAILOR: All right, it's cool.

1 I got time. 2 MR. SWENSON: Cool, awesome. So, well, and I kind of said this originally 3 about, like, how you guys want to, you know, 4 play this, or how you want to put this, but, 5 like, so what are you comfortable saying you 6 knew about, you know, about what Cordell had 7 8 done, you know, how, like what -- and we talked about it a little bit before. I mean, 9 you tell me, like, what do you --10 11 MR. SAILOR: I just know that he, 12 I know that he, you know what I'm saying, he 13 quilty of the crime and that he, know what I'm 14 saying, that he acted in self-defense and that 15 he was remorseful about it, you know what I'm saying. Like, it wasn't like it was a cold-16 17 blooded killing or nothing like that. Like, ever since the first time I've 18 heard it, he's been remorseful about the whole 19 20 situation because he actually said he'd done it in self-defense, you know what I'm saying? 21 MR. SWENSON: Yeah, yeah. 22 Yeah, 23 exactly. But so did you -- well, let me put 24 it to you this way. So, like, you were 25 testifying, right, or you got up to testify,

1	and you didn't have to do that. Like, why did
2	you, like, want to testify? Talk to me
3	through that.
4	MR. SAILOR: Because my attorney,
5	my attorney told me that by me not having no
6	witnesses there in my favor, like, to come
7	contradict what the prosecutor was saying, he
8	was telling me, like, the only last card he
9	had to play was me; you know what I'm saying?
10	All I had was two character witnesses, which
11	was my own, my kids' mother and my sister.
12	Besides that, I didn't have anybody else to
13	testify for me on my behalf. So it was, like,
14	that was the last card that he could play.
15	So he put me up there, but I think he
16	put me up there in the actuality, like, to try
17	to get me to, you know what I'm saying, trick
18	me into saying that I wasn't with Cordell, you
19	know what I'm saying?
20	MR. SWENSON: Yeah, for sure. So
21	did you, because that was kind of your
22	opening, right? We talked about this when we
23	sat down.
24	AUTO ATTENDANT: This call is
25	originating from an Ohio correctional facility

1	and may be recorded and monitored.
2	MR. SWENSON: You could have been
3	like, I don't know, you know, I wasn't with
4	Cordell. But you decided to, you know, stand
5	up for him. Like, walk me through that.
6	Like, what were you thinking about?
7	MR. SAILOR: Right, but I'm saying
8	because, like, in so many words, you break it
9	down; I was with Cordell. You see what I'm
10	saying? Like, every place that I went to that
11	night, he was there with me. See what I'm
12	saying? It wasn't like I wasn't with him that
13	entire night, because I was. But when he went
14	over on Englewood on East 105th, he went with
15	William Sizemore. I didn't leave the bar with
16	him. He left the bar with William Sizemore
17	and I left the bar with Bobby Nettles. You
18	know what I'm saying?
19	That's the only time we was separated
20	that night. And then we linked back up after
21	the fact and we went somewhere else and then
22	we both went home.
23	MS. SAILOR: So you basically
24	wanted them to interpret it, right?
25	MR. SAILOR: Let me talk let me

1	finish.
2	So when you break it down, when you,
3	you know what I'm saying, when you look at it
4	and somebody asked you, who was you with?
5	Yeah, I was with him that night. You see what
6	I'm saying?
7	MR. SWENSON: Mm-hmm, mm-hmm,
8	mm-hmm. But you could have I mean, I
9	guess, like, you could have, like, thrown him
10	under the bus, right?
11	MR. SAILOR: Right.
12	MR. SAILOR: But, like, that
13	wasn't an option for you?
14	MR. SAILOR: No.
15	MR. SWENSON: Why? Like, why not?
16	Like, tell me talk a little bit more about,
17	like, why that wasn't an option, like, you
18	know, how you felt loyal to him because he's
19	your friend, and that was kind of like, you
20	know
21	MR. SAILOR: It just went, I mean,
22	it just wasn't an option, period, because,
23	like, me telling on him or throwing him under
24	the bus wasn't an option. It wasn't an option
25	for nobody, but not him, you know what I'm

1	saying? Like, that was my best friend at the
2	time, and, you know what I'm saying? We grew
3	up like brothers, so me throwing him under the
4	bus and just to save myself, because I feel
5	like it wasn't my place. That was their job.
6	I shouldn't have been there, period. I
7	shouldn't even involved in this crime, period.
8	I shouldn't be on the stand. I shouldn't be a
9	defendant because I never took a part of this
10	crime. Had they done their job, I wouldn't
11	have never been there to be put in that
12	position, because they had Cordell from the
13	beginning.
14	MR. SWENSON: Uh-huh, right,
15	right. So you, I mean, you felt like this is
16	your best friend, like, this is someone you
17	were loyal to. Like, this was, you know, like
18	you said, like a brother to you, basically.
19	MR. SAILOR: Right.
20	MR. SWENSON: So you weren't you
21	were going to stand with him, basically,
22	through this.
23	MR. SAILOR: Right.
24	MR. SWENSON: Right, exactly.
25	Right. Okay, cool, cool. And you think that

1	came from like, we talked about this a
2	little bit also, but would you consider
3	yourself, like, a loyal person in general,
4	like, with your friends and family and stuff?
5	MR. SAILOR: Period, man. Like,
6	to anybody I associate with, you know what I'm
7	saying, on the day-to-day basis, I'm just a
8	loyal body person, period. And sometimes,
9	like I told you, it's a gift and a curse for
10	me, but it's something I can't change. You
11	know what I'm saying? I've been put in a lot
12	of more awkward positions, you know what I'm
13	saying? And my loyalty caused me to be
14	punished, know what I'm saying? Because I
15	didn't go to the other route and I stayed
16	loyal and I took my consequences, you know
17	what I'm saying, how they came due to my
18	loyalty, you know what I'm saying. But I
19	could have took an easy route and escaped and
20	came out unscathed. I didn't.
21	MR. SWENSON: Uh-huh. Yeah, I
22	mean, that's just not you. It's not like an
23	option for you.
24	MR. SAILOR: Right.
25	MR. SWENSON: Just wasn't going to

1	be something you would do. Okay, right.
2	AUTO ATTENDANT: This call is
3	originating from an Ohio correctional facility
4	and may be recorded and monitored.
5	MR. SWENSON: I mean, that was
6	really, that was really the only thing I
7	wanted to touch back with you. I think I got
8	everything else I need. I'm just looking
9	through, so hang tight. I'm just looking
10	through
11	MS. SAILOR: How are you going to
12	word that, or are you at all, about him
13	actually knowing right away, but
14	MR. SWENSON: Well, do you want to
15	say you knew right away, or do you want to say
16	that you found out later? Or you had a
17	suspicion or what, like, what do you how do
18	you want to play it?
19	MR. SAILOR: Yeah, I've read the
20	wording like that, man, because I really don't
21	want to, like, I just, like, as I made with
22	you, I met with the victim's brother the next
23	day. He came down here on a visit, you know
24	what I'm saying? And it's like, I don't want
25	to, I don't want to, like even though I

1	think he might have got a suspicion, that's
2	how it went down
3	AUTO ATTENDANT: You have one
4	MR. SAILOR: Because he grew up in
5	the streets, too.
6	AUTO ATTENDANT: minute remaining.
7	MR. SAILOR: Me and him could have
8	face-to-face; you know what I'm saying, on the
9	one-on-one side, instead of me putting it out
10	there like that.
11	MR. SWENSON: Cordell says that he
12	told you after. I mean, that's in his
13	affidavit that he told you right after.
14	MR. SAILOR: Right. And I'm
15	saying, I don't want to contradict his
16	affidavit because if I contradict his
17	affidavit, then it goes down the drain, you
18	see what I'm saying?
19	MR. SWENSON: Yeah. So I'm just
20	going to go based on that affidavit then, that
21	he had said that
22	MR. SAILOR: Yeah that one worth
23	better. I mean because I deal with, you know,
24	what I'm saying you more the victim's brother.
25	At a later time I'd rather not contradict

1	Cordell's affidavit because then it's like, it
2	give them another reason to keep me here.
3	MR. SWENSON: Yeah, yeah. No, I
4	mean, that creates an issue, but that's fine.
5	MS. SAILOR: Yeah, that's
6	something that he's only told you and Kim, and
7	that's because he's trying to be, you know,
8	honest about that part of the whole situation.
9	I mean everything else is truthful, but it was
10	something, you know, that had been said so
11	early on that it was like, you know, he was
12	afraid that knowing earlier would have made
13	the situation worse
14	AUTO ATTENDANT: Thank you for using
15	GTL.
16	(End of recording.)
17	
18	
19	
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22	
23	
24	
25	

1	State of Ohio,)) SS:
2	County of Cuyahoga.)
3	
4	CERTIFICATE
5	
6	I, Steven Mengelkamp, do hereby certify
7	that I have transcribed the proceedings
8	of the jail call between Ru-El Sailor,
9	Amy Sailor and Kyle Swenson, recorded on
10	June 17, 2016; and that the foregoing is a
11	true and accurate transcript made to the best
12	of my ability.
13	
14	
15	
16	
17	
18	Λ
19	# 11,
20	TRANSCRIBER
21	FINCUN-MANCINI COURT REPORTERS
22	26380 Curtiss Wright Parkway Cleveland Jet Center, Ste. 103
23	Cleveland, Ohio 44143 (216) 696-2272
24	email@fincunmancini.com
25	

\$	В	13,14;11:24;16:2 called (4)	4:10;8:15;11:25; 16:3	either (4) 7:13;8:4;9:8,12
\$	В			
3	D	curred (1)		
		4:20;5:22,23;9:2	corresponding (1)	El (1)
\$8.52 (1)	baby (2)	calling (1)	4:21	8:19
2:6	3:5;4:18	2:8	Cosbys (1)	else (4)
2.0	back (4)	calls (2)	4:13	11:12;12:21;16:8;
\mathbf{A}	4:21;6:6;12:20;	2:25;7:9	couple (1)	18:9
A	16:7	came (4)	9:22	email (4)
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actually (2)	beginning (1)	certainly (1)	cute (3)	2:4,7
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2:25	big (2)	collect (1) 2:4	2:10	7:9
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11:24;16:2;17:3,6;	14:3	5:24		9:14
18:14	bus (3)	Cordell (6)	earlier (1)	felt (2)
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awesome (1)	C	Cordell's (1)	18:11	6:6
10:2		18:1	East (1)	fine (1) 18:4
				1 × 1 /1
awkward (1)	call (15)	correction (1)	12:14	
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3:16	heat (1)	4:8;10:3;11:21;	2:22;8:7;9:18;	number (2)
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4:23,25;5:23;10:18	Hell (1)	knew (2)	many (1)	- 7:
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